

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 16, 2018
Time of Incident:	12:42 p.m.
Location of Incident:	1157 S. Whipple
Date of COPA Notification:	June 25, 2018
Time of COPA Notification:	1:59 p.m.

On June 16, 2018 [REDACTED] was driving her vehicle with her boyfriend, [REDACTED] in the front passenger seat. They pulled over in front of a store and [REDACTED] began talking with her niece who was standing outside her vehicle on the driver side. An unmarked police vehicle stopped and Officers Moranz, Bourdosis, and Acosta exited. Officer Acosta approached the passenger side of the vehicle and ordered [REDACTED] to exit. Officer Bourdosis placed [REDACTED] in handcuffs and walked him over toward the police vehicle. [REDACTED] and bystanders began yelling at the officers. Officer Acosta began searching the vehicle and told [REDACTED] to back up numerous times. While Officer Acosta was searching the vehicle, [REDACTED] grabbed a money order out of the center console because she was worried that it would fly away. Officer Acosta extended his arm and made contact with [REDACTED] shoulder in an effort to move her away from the vehicle. Officer Acosta's search of the vehicle uncovered two loose cigarettes in the center console. When he concluded the search, Officer Acosta called for a transport vehicle to take [REDACTED] in for "Soliciting an Unlawful Business".

II. INVOLVED PARTIES

Involved Officer #1:	Jaime Acosta Star #16462 Employee ID # [REDACTED] Date of Appointment: December 14, 2015 Rank: Police Officer Unit of Assignment: 010 DOB: [REDACTED], 1990 Gender: Male Race: White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1986 Gender: Female Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Jaime Acosta	1. Pushed [REDACTED] without justification, in violation of Rule 9.	Exonerated
	2. Searched [REDACTED] car without permission or justification, in violation of Rule 1.	Exonerated
	3. Told [REDACTED] to “get the fuck away”, in violation of Rules 2 and 8.	Not Sustained
	4. Failed to complete an Investigatory Stop Report for the search of [REDACTED] vehicle, in violation of Rule 6.	Exonerated
	5. Failed to provide an Investigatory Stop Receipt to [REDACTED] for the search of her vehicle, in violation of Rule 6.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

Rule 1 – Prohibits violation of any law or ordinance.

Rule 2 – Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 6 – Prohibits disobedience of an order or directive, whether written or oral.

Rule 8 – Prohibits disrespect to or maltreatment of any person, while on or off duty.

Rule 9 – Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G03-02: Use of Force

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2. G03-02-01: Force Options
 3. G03-02-02: Incidents Requiring the Completion of a Tactical Response Report
 4. G07-03: Vehicle Towing and Relocation Operations
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Special Orders

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1. S04-13-09: Investigatory Stop System
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Federal Orders

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1. Fourth Amendment to the Constitution
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V. INVESTIGATION¹

a. Interviews

COPA conducted an **audio-recorded interview of Complainant** [REDACTED] on June 25, 2018. [REDACTED] stated that on June 16, 2018 at around 12:30p.m. she was driving her vehicle with her boyfriend, [REDACTED] in the passenger seat near Roosevelt and Whipple. She stopped and pulled over to the right side of the road to speak to an old friend when a blue police car pulled up and stopped. Three plain-clothes officers got out of the vehicle. One of the officers said to [REDACTED] "You think you slick? Get the fuck out."³ Both [REDACTED] and [REDACTED] got out of the vehicle. One of the officers placed [REDACTED] under arrest for solicitation. [REDACTED] stated that a short Hispanic officer with a green shirt and black jeans (now known to be Officer Acosta) conducted a search of the vehicle. [REDACTED] stated that Officer Acosta was going through the glove box and removing things. [REDACTED] stated that she had just gotten a money order to pay her rent and she was worried the wind would blow it away. At this point, Officer Acosta told [REDACTED] to "Get the fuck back"⁴. [REDACTED] yelled at Officer Acosta that she was not going to be able to pay her rent if the money order blew away. Officer Acosta became upset and pushed [REDACTED] threatening to arrest her. [REDACTED] told Officer Acosta not to touch her and requested that he call a "white shirt". [REDACTED] proceeded to grab the money order from the car so that it did not blow away. [REDACTED] stated that while Officer Acosta searched the vehicle, another officer (now known to be Officer Moranz) was standing by the driver's side of the car and a third officer (now known to be Officer Bourdosis) was standing on the passenger side of the vehicle with [REDACTED] stated that a blue and white car came to transport [REDACTED] to the station and, at that point, Officer Acosta returned her keys to her. [REDACTED] stated that she then drove to the police station to file a complaint. [REDACTED] stated she did not find out what they arrested [REDACTED] for until after he was released. She stated that he had purchased two loose cigarettes from a guy standing on the corner a few seconds before the police approached. [REDACTED] stated that the man who had sold the cigarettes to [REDACTED] was still there when the police came, but the police never questioned him.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Attachment 14.

³ *Id.* at 02:42.

⁴ *Id.* at 03:20.

COPA conducted an **audio-recorded interview of Witness ██████████** on July 6, 2018. ██████████ stated that on June 16, 2018 he was on the way to the store with his girlfriend, ██████████ in her vehicle. When they got to the store they pulled over and were talking to ██████████ niece and her niece's boyfriend, who were standing outside the driver side of the vehicle. ██████████ stated that the area was a high drug-traffic area. An unmarked police vehicle drove up beside the vehicle for a moment and, once the officers inside the vehicle realized there was nothing going on, they began to drive away. As they began to drive off, the officers saw ██████████ sitting in the passenger seat of the car. At that point they reversed back towards ██████████ vehicle. Three plain clothes officers exited the police car. One officer (now known to be Officer Acosta) came up to ██████████ window and ordered him out of the car. ██████████ did not initially exit the car and he told Officer Acosta he had done nothing wrong. ██████████ repeatedly asked Officer Acosta why he was being told to exit the vehicle but Officer Acosta did not answer. ██████████ eventually did exit the vehicle, at which point a second officer (now known to be Officer Bourdosis) brought him over by the police vehicle and placed him in handcuffs. ██████████ admitted that he was screaming and hollering at the officers because he had not done anything wrong and he did not believe they had the right to arrest him or search the vehicle.

According to ██████████ was also ordered out of the vehicle and Officer Acosta began conducting a search of the vehicle. ██████████ stated that ██████████ went inside the car to retrieve a money order that she was worried might blow away. This caused Officer Acosta to become angry and he yelled at ██████████ to stand back. Officer Acosta proceeded to grab ██████████ by the forearm and put her arm behind her as if he were going to place her in handcuffs. ██████████ immediately yelled at Officer Acosta to take his hands off her and she requested that a “white shirt” be called to the scene. While this was occurring, Officer Bourdosis was standing with him by the police vehicle and the third officer (now known to be Officer Moranz) was standing on the driver side of ██████████ vehicle watching.

██████████ stated he was never told why he was arrested, even after he asked, but he subsequently found out he was charged with solicitation for selling loose cigarettes. ██████████ stated that he did have two loose cigarettes in the vehicle, but they had been given to him by ██████████ niece. He did not purchase or sell any loose cigarettes.

COPA conducted an **audio-recorded interview of Witness Officer Adam Bourdosis⁶** on July 26, 2018. During his interview, Officer Bourdosis stated that on June 16, 2018 he was working with two partners, Officers Moranz and Acosta. They were patrolling near the intersection of Roosevelt and Whipple, an area known for high drug-traffic, and they heard an individual (now known to be ██████████) yelling, “squares, squares!” from the passenger seat of an illegally parked car. Officer Bourdosis stated that whenever he comes across a person selling loose cigarettes, they always say “squares”. This led Officer Bourdosis to believe that ██████████ was soliciting cigarette sales, though he did not recall witnessing any transaction. When asked if there were any individuals standing outside the vehicle on the passenger side, Officer Bourdosis re-watched his body worn footage, consulted with his attorney, and then stated that he remembered people walking along the passenger side of the vehicle even though they were not captured on body worn video.

⁵ Attachment 20.

⁶ Attachment 27.

When they exited the vehicle, Officers Bourdosis and Acosta went to the passenger side of the vehicle and asked ██████ to step out of the vehicle three times. Officer Bourdosis did not recall if he notified ██████ of the reason for the stop. ██████ did not initially exit the vehicle; he became “verbally abusive”⁷. Officer Bourdosis did not recall if ██████ asked what he had done wrong. When ██████ eventually did exit the vehicle, Officer Bourdosis placed him in custody because he was being verbally aggressive. Officer Bourdosis stated that, at some point, the female driver (now known to be ██████) also exited the vehicle.

Officer Bourdosis stated that ██████ attempted to resist arrest by moving while in handcuffs and trying to run. Officer Bourdosis brought ██████ near the police vehicle, conducted a pat down, and held ██████ by the arms while Officer Acosta searched the vehicle.

Officer Bourdosis stated that he had decided he was going to arrest ██████ for soliciting unlawful business as soon as he approached the vehicle. When asked why Officer Acosta conducted a search of the vehicle, Officer Bourdosis stated that he was looking for “anything else, drugs narcotics, weapons, anything”⁸.

Officer Bourdosis stated he did not witness any physical altercation between Officer Acosta and ██████ but he did recall seeing ██████ run up to the vehicle numerous times as Officer Acosta was searching it. Each time ██████ approached the vehicle, Officer Acosta told her to step back.

COPA conducted an **audio-recorded interview of Witness Officer Kenneth Moranz**⁹ on July 26, 2018. During his interview, Officer Moranz stated that on June 16, 2018 he was working with two partners, Officers Bourdosis and Acosta. They were on patrol driving west on Roosevelt when they observed a vehicle parked off the curb on Whipple. Officers Bourdosis and Acosta told Officer Moranz, “Stop that guy. He's soliciting.” At that point, Officer Moranz pulled over and all three officers exited the vehicle. Officers Bourdosis and Acosta indicated that an individual seated in the front passenger seat (now known to be ██████) had been saying “squares, squares, squares”, leading them to believe he was soliciting cigarette sales. Officer Moranz stated that a female (now known to be ██████) was seated in the driver's seat of the vehicle. Officers Bourdosis and Acosta approached the passenger side of the vehicle while Officer Moranz stood back and watched. Officer Moranz saw Officers Bourdosis and Acosta engage ██████ in conversation, but he could not hear what was said. Officer Moranz stated that at some point ██████ exited the vehicle and either Officer Acosta or Bourdosis placed ██████ in handcuffs. Officer Bourdosis walked ██████ toward the police vehicle and remained there with ██████. Officer Moranz stated that ██████ also exited the vehicle at some point. Officer Acosta proceeded to search the vehicle to look for cigarettes. During the search, ██████ walked back and forth towards the car multiple times and Officer Acosta told her to back up. Officer Moranz was scanning the area throughout the course of the stop. At one point, Officer Moranz turned toward ██████ vehicle and saw Officer Acosta walk towards ██████ started

⁷ *Id.* at 16:23.

⁸ *Id.* at 21:57.

⁹ Attachment 26.

yelling. When asked if he saw any physical interaction between Officer Acosta and [REDACTED] Officer Moranz stated that he saw Officer Acosta's hand on [REDACTED] left arm, but Officer Acosta did not shove [REDACTED] Officer Moranz walked toward Officer Acosta and [REDACTED] in an effort to increase officer presence and monitor the situation. Officer Moranz stated that two cigarettes were recovered during the search of the vehicle.

COPA conducted an **audio-recorded interview of Accused Officer Jaime Acosta**¹⁰ on September 7, 2018. During his interview, Officer Acosta stated that on June 16, 2018 he was working with Officers Moranz and Bourdosis. They were on patrol near the intersection of Roosevelt and Whipple, which Officer Acosta described as a high crime area. As they turned onto Whipple from Roosevelt they heard a man (now known to be [REDACTED] trying to solicit cigarette sales by yelling "squares" repeatedly from the passenger seat of a vehicle. The vehicle was parked more than twelve inches from the curb and a woman (now known to be [REDACTED] was in the driver's seat. Officer Acosta pulled in front of the vehicle and all three officers got out. Officer Acosta approached the passenger side of the vehicle, told [REDACTED] that he was stopped for soliciting unlawful business, and ordered [REDACTED] out of the car. [REDACTED] initially refused to get out of the car, but after Officer Acosta ordered him four or five times, he complied. [REDACTED] was placed in handcuffs and Officer Bourdosis brought him over by the police vehicle. [REDACTED] exited the vehicle voluntarily.

After [REDACTED] was placed in handcuffs, Officer Acosta began to search the vehicle. Officer Acosta stated that the reason for the search was "to locate cigarettes"¹¹, specifically loose cigarettes. He also stated that, at the time of the search, he was under the impression that they were going to tow the car due to crimes being committed inside of it, so he would have to do an inventory search of the vehicle as well. Officer Acosta stated that he did not know who the vehicle belonged to because he had not run the license plate. [REDACTED] approached the vehicle several times during Officer Acosta's search and he told her repeatedly to stay away. At one point, [REDACTED] entered the vehicle and appeared to grab something. Officer Acosta approached [REDACTED] pulled out his handcuffs, and told her to put her hands behind her back. [REDACTED] refused. Officer Acosta then told [REDACTED] to get back. Officer Acosta extended his arm and made contact with [REDACTED] somewhere on her body as he attempted to move her away from the vehicle. When asked if he pushed [REDACTED] Officer Acosta responded, "I would say it can be perceived as a push, but it can also be perceived as using minimal force to move the subject away."¹² Officer Acosta ultimately decided not to place [REDACTED] into custody in an effort to deescalate the situation, which had become very heated. Officer Acosta returned to searching the vehicle.

When asked if he completed a Tactical Response Report for his contact with [REDACTED] Officer Acosta responded, "I did not believe that it was needed for the control tactic that I used. I used minimal force."¹³

¹⁰ Attachment 33.

¹¹ *Id.* at 21:43.

¹² *Id.* at 26:00.

¹³ *Id.* at 28:50

Officer Acosta stated that he did not complete the search of the vehicle because the scene had become very chaotic. During his partial search, Officer Acosta recovered two loose cigarettes from the center console of the vehicle. Officer Acosta did not complete an Investigatory Stop Report for ██████ for the search of her vehicle. When asked why, Officer Acosta replied, "I didn't search her; I didn't pat her down; I didn't arrest her. The search of the vehicle was based on the actions of the passenger, which was documented in Longwood's ISR. And, also, because her vehicle was going to be towed, I was under the impression that she was able to leave on her own free will. She was not being detained."¹⁴ However, Officer Acosta acknowledged that he was in possession of her house and car keys at the time.

b. Digital Evidence

Officers Acosta, Moranz, and Bourdosis were all equipped with **Body Worn Cameras**¹⁵ that partially recorded the incident. The following is a summary of what was depicted on all body worn camera footage taken as a whole:

█████ vehicle is parked on the east side of Whipple across from Brothers Food and Liquor. ██████ is seated in the driver seat and ██████ is seated in the front passenger seat. ██████ appears to be talking to a female who is standing outside the driver side of the vehicle. Officer Acosta approaches ██████ vehicle on the passenger side and orders ██████ to get out of the car. Officer Acosta attempts to open the passenger door and ██████ grabs the door and tries to pull it closed. Officer Acosta succeeds in opening the door and again orders ██████ to get out of the vehicle. ██████ screams at the officer that he hasn't done anything wrong. Officer Acosta responds, "Step out of the car or we are going to impound the car."¹⁶ At that point, ██████ exits the vehicle. Officer Bourdosis places ██████ in handcuffs and walks him over to the side of the police vehicle. ██████ also exits the vehicle. ██████ and ██████ continue to yell and Officer Bourdosis tells them to "relax"¹⁷.

Officer Acosta begins to search ██████ vehicle. He tells ██████ to "step back"¹⁸ and then asks her to "please step away from the car"¹⁹. He exclaims "Jesus fucking Christ. Fucking ridiculous. Ignorant!"²⁰ Officer Acosta continues to search the driver's side of the vehicle while screaming continues in the background. Officer Acosta then says, "Alright, that's it!"²¹ and goes around to the passenger side toward ██████ who appears to have just reached for something inside the car. Officer Acosta grabs his handcuffs and says, "Ma'am put your hands..."²² and then screaming breaks out between Officer Acosta and ██████. Officer Acosta proceeds to place his right hand on ██████ shoulder and move her away from the car. ██████ steps off the curb onto the street. The two continue to scream at each other for a few seconds. Officer Acosta then puts the handcuffs away and returns to searching the vehicle. A few moments later, Officer Acosta

¹⁴ *Id.* at 34:00.

¹⁵ Attachment 29.

¹⁶ *Id.* at 00:44 (on Bourdosis' BWC).

¹⁷ *Id.* at 04:10 (on Bourdosis' BWC).

¹⁸ *Id.* at 01:03 (on Acosta's BWC).

¹⁹ *Id.* at 02:10 (on Acosta's BWC).

²⁰ *Id.* at 02:17 (on Acosta's BWC).

²¹ *Id.* at 02:47 (on Acosta's BWC).

²² *Id.* at 02:53 (on Acosta's BWC).

walks over toward [REDACTED] and tells him, "If you guys keep this shit up, I'm going to lock you up, bro"²³. [REDACTED] asks, "What you going to lock me up for?"²⁴ Officer Acosta responds, "soliciting an unlawful business"²⁵. [REDACTED] screams that he has "no unlawful drugs"²⁶. At that point, Officer Acosta tells Officer Bourdosis to "take him in"²⁷. Officer Acosta returns to the vehicle and grabs two loose cigarettes out of the cupholder in the center console. Moments later a transport vehicle arrives and two uniformed officers place [REDACTED] in their squad car. A crowd of people are still screaming in the background as the footage ends.

Throughout the entire interaction, Officer Moranz remained standing off on the passenger side of [REDACTED] vehicle observing.

c. Documentary Evidence

An **Arrest Report** for [REDACTED] states that on June 16, 2018 at around 12:42p.m., Officers Acosta and Bourdosis were on patrol when they observed [REDACTED] seated in the front passenger seat of a gray Nissan Sentra. [REDACTED] was yelling "squares, squares" at several unknown individuals while illegally parked at 1157 S. Whipple. The officers believed "squares" to be a street term for the illegal sale of cigarettes. Officers exited their unmarked vehicle and requested that [REDACTED] exit the Nissan several times. [REDACTED] eventually complied and was placed into custody. A search of the vehicle revealed Newport cigarettes in the center console. [REDACTED] was arrested for Soliciting Unlawful Business and transported to the 10th District for processing.

An **Investigatory Stop Report (ISR)**²⁹ for [REDACTED] completed by Officer Acosta includes the same narrative as the Arrest Report. The ISR also lists [REDACTED] grey Nissan Sentra in the "Vehicle Details" section.

An **Initiation Report**³⁰ authored by Sgt. David Hickey #1021 indicates that Sgt. Hickey viewed the body camera footage from Officers Acosta and Moranz. Sgt. Hickey stated that the footage shows [REDACTED] repeatedly approaching the vehicle while Officer Acosta conducts a search incident to the arrest of [REDACTED] who was a passenger in [REDACTED] car. [REDACTED] yells at Officer Acosta while standing near the vehicle. Sgt. Hickey stated that the footage depicts [REDACTED] obstructing Officer Acosta's investigation. Officer Acosta places his hand on [REDACTED] shoulder and moves her away from the vehicle in order to prevent her from advancing toward the vehicle and interfering with Officer Acosta's search. At that point, [REDACTED] remains clear of the vehicle but continues to yell at the officers. Sgt. Hickey stated that the footage does not depict Officer Acosta telling [REDACTED] to "get the fuck away from the car".

²³ *Id.* at 03:46 (on Acosta's BWC).

²⁴ *Id.* at 03:49 (on Acosta's BWC).

²⁵ *Id.*

²⁶ *Id.* at 03:54 (on Acosta's BWC).

²⁷ *Id.* at 03:55 (on Acosta's BWC).

²⁸ Attachment 8.

²⁹ Attachment 10.

³⁰ Attachment 9.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proven by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

As to Allegation 1 that Officer Acosta pushed ██████████ without justification, COPA finds the allegation is **Exonerated**. During her interview with COPA, ██████████ stated that she attempted to grab a money order out of her vehicle while Officer Acosta was searching the vehicle. ██████████ stated that Officer Acosta told her to get back and she began yelling at Officer Acosta. Officer Acosta then became upset and pushed ██████████

However, ██████████ perception of the physical interaction is not corroborated by the witnesses. ██████████ stated during his interview with COPA that he witnessed the altercation between ██████████ and Officer Acosta. When asked if Officer Acosta pushed ██████████ responded, "No, he didn't push her, no."³¹ When asked to describe the altercation, ██████████ stated that Officer Acosta simply grabbed ██████████ arm and attempted to put it behind her back in an effort to place her in handcuffs. Likewise, Officer Moranz stated he saw Officer Acosta place his hand on ██████████ arm in an effort to move her away from the car, but he did not consider the

³¹ Attachment 20 at 24:20.

minor contact to be a “shove”. Officer Bourdosis stated he did not witness any physical altercation between [REDACTED] and Officer Acosta. When Officer Acosta was asked if he believed his physical contact with [REDACTED] constituted a push, Officer Acosta responded, “It can be perceived as a push but it can also be perceived as using minimal force to move the subject away.”

Considering these statements along with the body worn footage depicting minimal physical contact between Officer Acosta and [REDACTED] COPA does not find sufficient evidence to suggest that the physical contact constituted an unjustified “push”. Officer Acosta asked [REDACTED] to step away from the car while he searched multiple times. He threatened to arrest her if she refused then told her to move away while he escorted her to the other side of the car. COPA finds that the force used was appropriate given [REDACTED] refused multiple verbal warnings to move and the force was less intrusive than even a permissible escort hold. Therefore, while a push did occur, it was within policy and this allegation is Exonerated.

As to Allegation 2 that Officer Acosta searched [REDACTED] car without permission or justification, COPA recommends a finding of **Exonerated**. It is undisputed that there was no consent sought nor given for the search [REDACTED] vehicle. However, consent was not required as the search was incident to the arrest of [REDACTED]. The search of a vehicle incident to arrest is lawful when it is “reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle.” *Thornton v. United States*, 541 U.S., at 632 (Scalia, J., concurring in judgment). In this case, the officers articulated probable cause for placing [REDACTED] under arrest for the crime of soliciting an unlawful business³², specifically the illegal sale of cigarettes. In his interview with COPA, Officer Acosta stated that he conducted a search of the vehicle “to locate cigarettes”. Cigarettes would certainly be considered potential evidence of soliciting illegal cigarette sales, and it was reasonable to believe that cigarettes may be located inside the vehicle where [REDACTED] was heard yelling “Squares, squares”. Therefore, the search of [REDACTED] vehicle was justified as being incident to [REDACTED] arrest.

As to Allegation 3 that Officer Acosta told [REDACTED] to “get the fuck away”, COPA recommends a finding of **Not Sustained**. [REDACTED] is the only individual who claims to have heard Officer Acosta say this. In the Initiation Report, Sgt. Hickey states that the footage from Officers Moranz’ and Acosta’s body worn cameras does not depict Officer Acosta telling [REDACTED] to “get the fuck away from the car.” Likewise, COPA reviewed the body worn camera footage from all three officers and determined that, while there was plenty of yelling between all parties, at no time can Officer Acosta be heard telling [REDACTED] to “get the fuck away”. Because of the noise and chaos depicted in the body worn footage, COPA lacks sufficient evidence corroborating [REDACTED] allegation. Therefore, COPA recommends a finding of Not Sustained.

As to Allegation 4 that Officer Acosta failed to complete an Investigatory Stop Report (ISR) for the search of [REDACTED] vehicle, COPA recommends a finding of **Exonerated**. CPD Special Order S04-13-09 states, “Sworn members who conduct an Investigatory Stop, Probable Cause Stop when no other document captures the reason for the detention, and, if

³² Officers Bourdosis and Acosta both stated that they heard [REDACTED] yelling “squares, squares” from the vehicle (see Att. 27 and 33), and all three officers stated they know from their experience as police officers that an individual yelling “squares, squares” indicates that individual is attempting to sell loose cigarettes illegally (see Att. 26, 27, and 33).

applicable, a Protective Pat Down or other search in a public place, are required to submit an Investigatory Stop Report into the Investigatory Stop Database.” The Special Order explains that the reason for completing the ISR is to ensure sworn members document the facts and circumstances of (a) an Investigatory Stop; (b) a Probable Cause stop when no other document captures the reason for the detention; and (c) a Protective Pat Down or other search.

In this case, a search of [REDACTED] vehicle was conducted. Therefore, an ISR was required to document the facts and circumstances surrounding the search. Officer Acosta completed one ISR, for [REDACTED] Officer Acosta did not complete an ISR for [REDACTED] However, [REDACTED] ISR lists vehicle information for [REDACTED] vehicle and the “Reason for Contact” section explains that a search was conducted of same vehicle. During his interview with COPA, Officer Acosta stated that he had not run the license plate, so he did not know who the vehicle belonged to at the time of the search.

COPA finds that Officer Acosta was not required to complete ISR for [REDACTED] for the search of her vehicle. Officer Acosta documented the reason for the detention and search of [REDACTED] vehicle in [REDACTED] ISR, thereby satisfying his duty pursuant to the Special Order. Therefore, COPA recommends a finding of Exonerated for this allegation.

As to Allegation 5 that Officer Acosta failed to provide an Investigatory Stop Receipt to [REDACTED] for the search of her vehicle, COPA recommends a finding of **Exonerated**. Because COPA found that Officer Acosta was not required to complete an additional ISR for the search of [REDACTED] vehicle, it follows that he was not be required to provide [REDACTED] with an Investigatory Stop Receipt.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding/ Recommendation
Officer Jaime Acosta	1. Pushed [REDACTED] without justification, in violation of Rule 9.	Exonerated
	2. Searched [REDACTED] car without permission or justification, in violation of Rule 1.	Exonerated
	3. Told [REDACTED] to “get the fuck away”, in violation of Rules 2 and 8.	Not Sustained
	4. Failed to complete an Investigatory Stop Report for the search of [REDACTED] [REDACTED] vehicle, in violation of Rule 6.	Exonerated

	5. Failed to provide an Investigatory Stop Receipt to [REDACTED] for the search of her vehicle, in violation of Rule 6.	Exonerated

Approved:

[REDACTED]

January 29, 2020

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	4
Investigator:	Kerri Wyman
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten